

Entered - 07/23/01 - sb  
CL01L0462 - DIANNE C. MITCHELL

01- K-1249

CLAIM OF: ADRIENNE L. COLEMAN  
6040 Sweet Creek Road  
Duluth, Georgia 30097

For damages alleged to have been sustained as a result of vehicular damage due to an unsecured metal plate at 3<sup>rd</sup> Street between Peachtree and West Peachtree Streets on June 3, 2001.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT  
CITY COUNCIL SEP 04 2001

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 04 2001

CHAIR: C. T. Martin

E. Wood

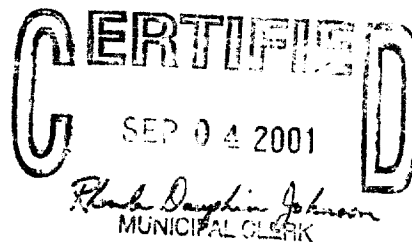
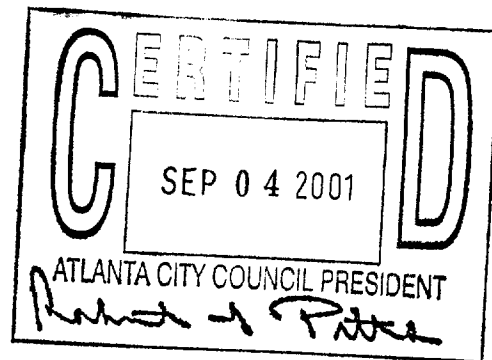
Clota Wenslow

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**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

September 7, 2001

Adrienne L. Coleman  
6040 Sweet Creek Road  
Duluth, Georgia 30097

**01-R-1249**

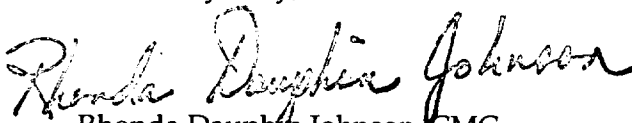
Dear Ms. Coleman:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0462

Date: August 1, 2001

Claimant /Victim ADRIENNE L. COLEMAN

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 6040 Sweet Creek Road, Duluth, Georgia 30097

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,484.66 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/09/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/03/01 Place: 3<sup>rd</sup> Street between Peachtree and West Peachtree Streets

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges her vehicle was damaged when she drove over an unsecured metal plate that was partially covering a construction cut in the roadway. The investigation determined that the plate is the property of Georgia Power. The claim has been forwarded to the Georgia Power Company for handling and the claimant has been advised of this action.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08-01-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

JUL 09 2001

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: June 20, 2001

ENTERED - 7-23-01 - SB  
01L0462 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,484.66 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: June 3, 2001 2. Time of Incident: 3:45 pm 3. Police called: Yes ☒ No

4. Location of incident (including street address): 3rd Street between Peachtree & West Peachtree

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: Our car ran over a giant hole in the street that was only partially covered by a steel plate. After driving a few miles, the front tire came off wheel. Damage to two tires & wheels. we are fortunate no one in car was seriously hurt.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Volvo S-80 1999 Robert L. Coleman  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Adrienne L. Coleman  
(Print Claimant's Name)

6040 Sweet Creek Road  
(Address)

Duluth, Georgia 30097  
(City, State and Zip Code)

770-495-6477  
(Work Number) (Home Number)

01-R-1249

RCS# 3092  
9/04/01  
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Consent Agenda except #15

1249

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE